

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 1:04CR151

KENNETH JASON BEARDEN

ORDER

This cause is before the Court on a Motion for Continuance by defendant Bearden. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for August 2, 2005. Counsel for defendant avers that defendant's expert witness, Dr. Criss Lott, will be unavailable to testify at that time. Defendant requests a continuance in order to assure his expert's availability for trial. Based on the foregoing, the Court finds that the defendant's Motion for Continuance is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(8)(A), the period of delay from August 2, 2005 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford defendant a reasonable time for adequate and effective preparation of his defense. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The defendant's Motion for Continuance is GRANTED;

2. That the trial of this matter is continued until Monday, August 22, 2005 at 9:00 a.m.
in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from August 2, 2005 until August 22, 2005 is excluded as set out
above;
4. That the deadline for filing pretrial motions is August 1, 2005;
5. That the deadline for submitting a plea agreement is August 8, 2005.

SO ORDERED, this the 25th day of May, 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE